

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
RIGOBERTO HERNANDEZ,
Defendant.

1:22-CR-10016-CBK
ORDER ADOPTING
REPORT AND RECOMMENDATION

Defendant filed a motion to suppress all statements made and all evidence seized by law enforcement arising out of a traffic stop on January 21, 2021. The motion came on for hearing before the Honorable Mark A. Moreno, U.S. Magistrate Judge, on October 6, 2022. Magistrate Moreno issued a report and recommendation on October 22, 2022, recommending that the motion to suppress be granted. Pursuant to stipulation of the parties, objections, if any were required to be filed within three business days of the issuance of the report and recommendation. The government filed late objections after the close of business on the third business day. Such objections will not be considered. I have conducted a review of the record and files herein.

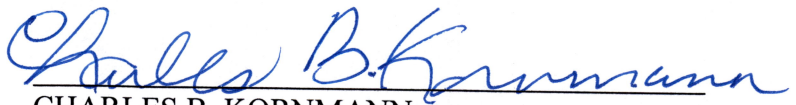
Now, therefore,

IT IS ORDERED:

1. The report and recommendation, Doc. 55, is adopted.
2. Defendant's motion, Doc. 29, to suppress is granted.

DATED this 27th day of October, 2022.

BY THE COURT:


CHARLES B. KORNMANN
United States District Judge